

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of the Commission's)	PR Docket No. 92-257
Rules Concerning Maritime)	
Communications)	

To: The Commission:

REPLY COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following Reply Comments in response to the Comments of MariTEL, Inc. ("MariTEL") filed in the above-captioned proceeding.¹

I. Introduction.

APCO is the nation's oldest and largest public safety communications organization, with over 15,000 members involved in the management and operation of police, fire, emergency, medical, forestry-conservation, highway maintenance, disaster relief and other public safety communications facilities. Many of APCO members operate public safety systems in the VHF band, portions of which MariTEL seeks to reallocate for public coast use. The VHF band is heavily used for radio dispatch voice communications by public safety agencies nationwide.

II. The Commission Should Not Reallocate Public Safety Channels for Public Coast Use.

In the 4th FNPRM, the Commission asked, as a result of MariTEL's proposal, whether three Part 90 public safety channels, 156.0375, 156.1125 and 156.1875 MHz, should be reallocated for public coast operations.² In its Comments, MariTEL argues that the specified

¹ *In the Matter of Amendment of the Commission's Rules Concerning Maritime Communications*, PR Docket No. 92-257, Fourth Further Notice of Proposed Rule Making, 67 Fed. Reg. 5080 (2002) ("4th FNPRM").

² *Id.* at ¶¶12-14.

channels, in addition to other VHF channels allocated for Industrial/Business use, are underutilized and should be reallocated for maritime services consistent with the allocations of the international community. Comments of MariTEL at 7. MariTEL also argues that the allocation it seeks for maritime use is an insignificant fraction of the total amount of spectrum used for public safety communications. *Id.* Finally, MariTEL argues that one of the VHF channels it targeted, 156.1875 MHz, is not heavily occupied by public safety communications traffic. *Id.* at 9.

The three public safety channels identified by MariTEL are narrowband VHF channels, and have only been available for licensing since the Commission's completion of its Refarming docket.³ The only reason for the relatively small number of licensees on such narrowband channels is the continued prevalence of "wideband" operations on adjacent pre-existing channels in the band. That in turn creates a potential for harmful interference to any new adjacent narrowband channel operation in the same geographic area. Until most current VHF licensees convert to narrowband equipment, the interference threat will continue and narrowband channel use will be limited.⁴ However, once users migrate to narrowband equipment, the narrowband channels will be quickly assigned and utilized as VHF spectrum continues to be in very high demand by public safety agencies across the nation.

As the Commission knows, the VHF band in general is very crowded and in high demand because of its unique propagation characteristics, which allow public safety agencies to communicate over a wide area and over mountainous and other difficult terrain. Such

³ See *In the Matter of Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment of the Private Land Mobile Services*, PR Docket No. 92-235, Second Report and Order, 12 FCC Rcd 14307 (1997).

⁴ The Commission's Refarming decisions do not require incumbent VHF licensees to convert to narrowband channelization.

propagation characteristics make this band ideal for voice communications for both rural and urban areas, and must be continued to be preserved for public safety use.

MariTEL's assumption that public safety entities have sufficient allocation of spectrum is incorrect. Prior to September 11, 2001, spectrum congestion was a significant problem for public safety entities nationwide. Congestion exists in the VHF, UHF, and 800 MHz bands. The 800 MHz spectrum allocation has presented significant interference problems for public safety agencies, as the Commission is well aware.⁵

The events of September 11, 2001 merely increased the demands placed on public safety agencies for interoperable voice communications systems. Those events also created an immediate need to implement state-of-the-art public safety communications systems to fight terrorism and ensure the safety of American citizens. These increased demands require the full use of all spectrum currently allocated for public safety use.

The allocation of spectrum that is available for public safety has not fully materialized. In the 700 MHz band, not only are the frequencies unavailable most heavily populated areas until the year 2006, as MariTEL states, but also are unavailable until digital television penetration reaches 85% of all households nationwide.⁶ The 4.9 GHz band recently allocated for public safety use is necessarily limited to broadband applications over relatively short distances, and thus not a substitute for VHF voice channels. The immediate need of public safety agencies is to have interference-free spectrum that can handle high voice call volumes in both daily emergency situations and national emergencies. Reallocation of any public safety channels for non-public

⁵ See *In the Matter of Improving Public Safety Communications in the 800 MHz Band*, WT Docket No. 02-55, FCC 02-81, Notice of Proposed Rule Making, released March 15, 2002.

⁶ See Section 3003 of the Balanced Budget Act of 1997, 47 U.S.C. § 309 (j) (14).

safety use, particularly during this heightened time of national security, is ill advised. Therefore, APCO urges the Commission not to reallocate any public safety spectrum for VPC use.

Respectfully submitted,

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